IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 465 OF 2005

SMT. ESPERANCE MASCARENHAS AND ANR., ...Petitioners

Versus

MRS. BLANCHE DIAS E MIRANDA(DEC) BY THEIR L.RS., ...Respondent

Mr. D. N. Moratgikar, Advocate for the petitioner.

Coram:- A. P. LAVANDE, J.

Date:- 20th April, 2006

P.C.

By this writ petition, the petitioner takes exception to the Order dated 20th April, 2005 passed by the IIIrd Addl. District Judge, South Goa, at Margao in Misc. Civil Appeal No.85/2004/III, dismissing the appeal filed against the order dated 31.8.2004 in Misc. Civil Application No.611/01/D in execution Application No.16/94/D. The appeal has been dismissed on the ground that it is not maintainable. The executing Court, by Order dated 31.8.04 dismissed the application filed by the petitioners to join them as parties in the execution application No.16/94/D. The Executing Court dismissed the application on the ground that on earlier occasion a similar application was dismissed and as such, the second application allegedly on the ground of some subsequent events was not maintainable. I do not find any infirmity in the order passed by the executing Court, as well as the appellate Court. The appellate Court is perfectly justified in holding that an appeal against the order passed by the executing Court was not maintainable. I do not find any jurisdictional error so as to warrant interference in exercise of writ jurisdiction.

In the result, therefore, I do not find any merit in the writ petition

and the same is dismissed.

A. P. LAVANDE, J.

ssm.